

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALFREDO CARRANZA, JR.,

Defendant.

2:11-cr-00012-LDG-RJJ

ORDER

Defendant Alfredo Carranza filed a motion to suppress evidence obtained during a search of his vehicle (#11, response #17, reply #20, supplemental motion #29, supplemental objection #31). Based on these filings and a hearing, the magistrate judge recommended that this court deny Carranza's motion (#36). Carranza now objects to the magistrate judge's report and recommendation (#40, response #46, reply #47).

Among other things, Carranza objects to the magistrate’s conclusion that Officer Hawkins had reasonable suspicion based on an alleged violation of Nevada Revised Statutes § 484B.413. Carranza argues that a driver must only signal “if any other vehicle may be affected by such movement,” *Id.* § 484B.413(1), and that Officer Hawkins’ patrol car, the only other car in the vicinity, could not have been “affected by such movement” because it was approximately one-half of a block behind Carranza’s car. The report and recommendation rejected Carranza’s argument. That report, however, included an incomplete quotation of § 484B.413. *See* R&R [#36], at 3:21-23 (omitting “upon a highway” from the quoted statutory language). This court cannot adequately evaluate the recommendation to the extent it was based on the omission of potentially relevant statutory language. *Compare* Nev. Rev. Stat. § 484B.413 with Nev. Rev. Stat. § 484B.410.

Accordingly,

1 THE COURT HEREBY REMANDS Carranza's motion to suppress (#11) for further
2 report and recommendation in light of the foregoing order.

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4 DATED this 86 day of October, 2011.

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Lloyd D. George
United States District Judge